Good Advice before it be too Late:

Being a BREVIATE for the CONVENTION: *Humbly Repreſented to the Lords and Commons of* England.

WHereas we cannot but be made very apprehenſive by thoſe ſeveral efficacious Papers, ſuch as Dr. *B*'s, Mr. *F*'s, *A Word to the Wiſe*; and another as cloſe, *Four Queſtions Debated*, and the like; which go about, leſt the ſwaying part of the Nation ſhould be ſo much intent upon One Thing, as that Others be neglected; or leſt they be ſo taken up with putting the Crown upon an Head moſt deſerving it, as that they forget what is to be done firſt; which is, The Conſideration of the Conſtitution of the Realm, and the declaring that Conſtitution, before any Perſon be admitted into actual Regiment; it being common for thoſe that look but on one Thing, to be too ſudden. We therefore judg it meet, That this enſuing Paper, which was in a few Copies given to ſome Members of the Houſes, for preventing that Evil, ſhould alſo be made publick, to go abroad with ſuch Papers as thoſe of the former Nature. For, as it is wiſe in a People when they make any Compact, whether with their Rulers, or others, that though they believe the Party they deal with to be the beſt in the World, to treat with him for all that, and be as punctual upon the Terms to make all ſecure, as if they were dealing with the worſt: So it is alſo honeſt for them, in ſeeking the Good of their Country, to deny Self-intereſt, and to prefer the benefiting a Nation, before the magnifying any ſingle Perſon whatſoever.

The BREVIATE.

THE People of this Nation are by Birth a Free People, who are born to a Liberty of Perſon and Propriety in their Goods and Lands; and therefore *England* is rightly call'd a *Free State*.

To underſtand the Government, we muſt know that theſe two Things are always to be diſtinguiſhed, the *Conſtitution*, and the *Adminiſtration*.

The *Conſtitution* of a Government does lie in the Original Agreement of the People, which they make between themſelves, or with their intended Governour, or Governours, before the Government be ſet up, whether there be none before, or the Former at an end.

When the People are in ſuch a State, while there is no Order of Superiority, or Inferiority introduced, it is called a *Community*: When a Ruler is choſe, ſo that there is a Ruling and Ruled Part, it is a Society, or called a *Common-Wealth*.

Let us ſuppoſe a Company of Families, that having no dependance on one another, nor any one having Power over the other, yet living near each other, do find it convenient to join together in a Society, for mutual Defence againſt ſome Foreign Enemy, or for the reaping ſeveral Advantages which they ſhall receive by it. The Heads or Repreſentatives of theſe Families aſſembled, are to conſider what is to be done in order to theſe Ends.

Three Things more eſpecially they muſt conſult upon;

1. What Government (as to the Sort or Kind) is beſt for them?

2. Who ſhall be Governour or Governours?

3. And by what Laws or Rules they ſhall govern, who are entruſted with the Supreme Power?

And more particularly, in relation to what Meaſure of it they will allow them to have over their Perſons and Eſtates, to uſe them as they have Occaſion, for the Publick Good. For when they are yet free in both, the Governour can have Power ſo far, but no farther than they at firſt conſent. Whatſoever Reſer-

Reſervations of Liberty the People make in their Agreement, theſe are to be look'd upon as their Rights by the Laws of the Conſtitution, and eſſential thereunto, and conſequently inviolable by any of theſe Governours whom they ſet up for the Adminiſtration; the very Laws of the Adminiſtration being void, ſo far as they interfere with any of theſe of the Conſtitution.

The Conſtitution and Laws thereof being agreed upon, and it being impoſſible for Humane Prudence to foreſee all Accidents, which muſt be provided for; therefore as they ariſe, the Adminiſtration neceſſarily muſt lie in theſe two Things: The making farther Laws (ſubordinate ſtill to thoſe fore-priz'd) as occaſion requires, and ſeeing them executed, that is, in Legiſlation and Judgment. The One is the Buſineſs of the Supreme Authority; the Other of the Inferior Magiſtrates or Officers, and Executioners of the ſame, according to that Fundamental Agreement made by the People.

Our Government now, as conſtituted in order to this Adminiſtration, is, we know, a mixt Government. A Government is known to be pure or mixt, by the placing the Supreme Authority. If the People place it ſingly in the King, or ſingly in the Nobles, or ſingly in the People, then it is a pure Monarchy, Ariſtocracy, or Democracy: But when it is placed in all Three, it is a mixt Government, as Ours is, where there are no Laws in the Adminiſtration made but by King, Lords, and Commons.

Theſe Things I purſue only ſo far as is neceſſary, to the reaching my main Purpoſe; and the leading me to a right diſcernment of the preſent Condition into which we are now brought in regard to this ſaid Government.

The Supreme Power of the Nation being placed in a Parliament, which is a Corporation of King, Lords, and Commons, that is, the Supreme Authority reſiding in King, Lords and Commons, as One Corporation, there does appear, at this Conjuncture, a Diſſolution of the Government; A Diſſolution manifeſtly, as to the Exerciſe of it. This Appearance does ariſe from the opening of the laſt Scene. For the King being now gone, gone from his People, and departing from his Government, that One Corporation (we ſpeak of) is broke; ſo that there remains now no ſubject for that ſupreme Authority;

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It being evident, that a Parliament, wherein an Essential point of our Constitution does consist, cannot now be Assembled: And the Providence of *God* it self hath extraordinarily determin'd our Case. If a King dies, he hath a Successor, and the Right devolves upon Him; but whilst the King lives, he hath no Successor, and the Right remaining in Him and no Other; and he being divided from his Lords and Commons, the Subject of the Supreme Power, or this One Corporation (whereof the King is a Chief, Essential, and Constituent Part) does perfectly cease, and must necessarily cause a Dissolution.

I choose not to found this upon what does more convince Others, which comes to this Account: The King, by his frequent Malversation in the Government, and rooted Design of subverting our Religious and Civil Rights, for the Introduction of Arbitrary Power and Popery, which being aggravated by such an Endeavour, as the destroying that Share in the Government, which every Commoner hath, that hath Right to choose his Representative in Parliament, by his Garbling Corporations, and so evacuating this Liberty in effect; and by such an endeavour also, as the exterminating his Protestant Subjects; seeing that Religion which he would have introduced, is such, as by the Principles of it, if it comes into Domination, must do so to all Hereticks; and thereupon may he be look'd on no longer as *Rex*, but *Hostis*, and *Hostis Publicus*: Besides, the subjecting us to a Foreign Jurisdiction, and the very changing the Government, by that indefinite Dispensing Power over the Laws, as was carved to him by his Judges, from Regal to Despotical: It is judged by them, that he is fallen thereupon from his Royal Dignity; and that the Universality thereby have Warrant not only to defend themselves against him, but by Vertue of that Sanction, which is tacitly implyed in the Laws of the Constitution, to proceed on to take the Forfeiture He hath made of his Government, and Depose Him: For it is a fond thing, (think they) to imagine any Laws without a Sanction; and impossible there should be any other Sanction in Treaties between Free Nations, or between a Free People, and the Governour they set over Themselves, than Force to be used by the Parties concern'd; there being no Third Party on Earth to appeal to, in such Cases.

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However this be, it being taken for granted, That the Government is diſſolved, and I ſuppoſe upon that preceding Account, of the One Corporation (I ſay) being broke, the Supreme Authority that lay before in the Three as united in One, does eſcheat, or fall to the Community; who muſt therefore chooſe a new Subject for that Power; and it lies at their Diſcretion to place it in what Subject they pleaſe: They may lodg it in the Lords and Commons alone, without a King, if they think that Government beſt; the matter lies altogether upon their Agreement, and Conſent. I ſuppoſe it moſt likely, that they will agree to place it again in a Monarch, Lords and Commons (the Perſon only left at Choice, and Care had to prevent all Danger of Law in the Caſe) according to the Ancient Conſtitution; Though what Man can know the Mind of a Nation, when once come together, if he knows his own Mind?

There is one thing we have now Opportunity to obtain, which we can never recover again, if it be loſt; and that is, what His Highneſs the Prince of *Orange* hath made one of his two Deſigns, *The Delivery of the People from Slavery*; which can never be done effectually, and radically, but upon this *Advantage*. The delivering us from *Popery*, is contained in the ſetling our Religion; and that being a Work of great length, is the buſineſs more properly of a Parliament; but this is a thing muſt be done by the Community, and conſequently by thoſe that are the Repreſentatives of it, a *Convention*, ſo called (in regard to a higher Capacity hereunto) and not a *Parliament*; for that repreſents the People, not as in a *Community*, but as in a *Common-wealth*, where there is *pars imperans*, as well as *ſubdita*, which now is not. A *Parliament* makes Laws for the *Adminiſtration*, but the *People* as in a *Community* make Laws for the *Conſtitution*.

I would therefore humbly offer it to the Conſideration of thoſe, who ſhall meet as Members of this *Convention*, That, in order to the Effect premiſed, they do but agree and pitch upon this one certain Point of *good Polity*, that where they place the *Supream Authority*, they lay alſo the *Rights* or *Properties* of it; that is, the *Jura Majeſtatis* (*Majeſtas* being *Maxima Poteſtas*) all together.

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The Rights of *Majesty*, or the *Supream Power*, are mainly these: The first is *Legislation*, or making Laws; and this undoubtedly lies in a Parliament. The next, is the Power of raising *Arms*, or Armies, or the *Militia*, the Power of making Peace and War, or the Power of the Sword, which is necessary to maintain those Laws. The third is a Power over our Estates, or the Purse, or raising Mony, which must maintain the Sword. A fourth, is the Power of *chooſing Magiſtrates* to rule Us according to these Laws; such as Judges and Sheriffs, to name no other. A fifth, is the *laſt Appeal*. Now let but the Power of the *Militia* and *chooſing Magiſtrates*, be laid where *Legiſlation* is, and we shall be fundamentally delivered from all *Slavery* for ever in the Nation.

If we be *enſlaved* or oppreſſed by any *Prince* for the time to come, it must be either by *Force* or by *Injuſtice*. We cannot be oppreſſed by *Force*, becauſe no Forces then can be raiſed by Him, but by a Parliament. He cannot rule by an *Army*, or by Violence; for the *Militia* is in the *Lords* and *Commons*, as well as in Him, and they will not let him do so: We cannot be oppreſſed with *Injuſtice*; for the *Judges* and *Officers* entruſted with the Execution of *Juſtice*, shall be choſen alſo by them, and they will look to that.

It is true, while no Parliament ſits, the King by Virtue of the Executive Power lying in him, may raiſe Arms, and put in Officers and Magiſtrates as there is need; but both these are to be done under the Controul of the next Parliament (which are therefore to ſit often by ancient Statutes) there being no War to be levied, nor Magiſtrates confirmed, without their Approbation.

Let us remember the State we are in, a State that puts the *Supream Power* in the Hands of the People, to place it as they will: and therefore to bound and limit it as they ſee fit for the publick Utility; and if they do it not now, the Ages to come will have occaſion to blame them for ever. When the Supream Power is upon the diſpoſing, if they do not take this *Item*, as part of their proper Work, *To bind the Deſcent of it to a Proteſtant*, I shall blame them: But I shall do so much more, if after the Danger we have been in, of Arbitrary *Domination* and *Popery*, by the King's raiſing Arms, and putting Judges in and out at his Pleaſure, they do not take more care of the

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Supream Power, to lay it and its Rights better together: Especially, seeing nothing can indeed be that in Nature, which it is, without its Properties. This is uniform (I must persist) to the Nature of Government; that where the Supream Authority is, there must be its *Prerogatives*; and where the chief or principal *Rights* of it is, there should all the rest which depend upon, and belong to it, be placed also: Where *Legislation* is lodged, there should the *Militia*, there should the Power of making Judges, to name nothing more than serves my turn, be lodged also. It is this hath been the great Declension, Fault, or Defect of our English Common-Wealth, that the People have suffered these Rights of Soveraignty, to come to be divided, arising (we must conceive) from the *Administration*, that is, *Male-Administration*; as appears, for Example, in the *Militia*, which upon the fresh coming in of the late King, was in two or three hot *Acts*, declared now and ever to have been in the King; when both the Assertion was gross Flattery, and such Acts void, as fundamentally repugnant to the *Constitution*.

There is one *Difficulty* to be thought on, and that is, the *Negative Voice* of the *Prince* in his *Parliament*. The *Lords* and *Commons* may agree upon some Law for the publick Benefit, and the King alone may refuse to pass it. If he be obstinate, this is a great Evil, and might really make one think, it would be better therefore (for the preventing this Inconvenience) to place the *Supream Power* in *Lords* and *Commons* only, without a *Controler*. Unto which may be added, the Power of Calling and Dissolving *Parliaments* at pleasure; by virtue whereof, our Kings hitherto have pretended a Power predominant over them. But forasmuch as these *Prerogatives* may be disputed, and the *Negative Voice* hath been deny'd by many Judicious Men, who have pleaded the Obligation of former Princes to confirm those Laws, *quas vulgus elegerit*; it is to be hoped that the Wisdom of the Nation will be able to find out some Expedient or Salve for this Difficulty, and for more than that also; so long as they have the *Golden Opportunity*, to bring a *Crown* in one Hand, with their *Terms* or *Conditions* in the other.

As for the several Grievances that need Redress, and many good Things that are wanting to compleat the Happiness of

our Kingdom; there may be ſome Foundation laid happily, or Preparations made in order thereunto by this *Convention*; but as belonging to the *Adminiſtration*, and being Matters of long Debate, they are the Work more properly of an enſuing Parliament. Only let not the Members of this preſent *Great Aſſembly* forget, that they having ſo unlimited a Power, and the Nation ſuch an Opportunity, which, as the *Secular Games*, they are never like to ſee but once, they are more ſtrictly thereſore bound in *Conſcience*, and in Duty to their *Country*, to neglect no kind of thing, which they judg abſolutely neceſſary to the publick Good. I care not if I commend three or four ſuch Particulars againſt the time to Conſultation, which ſhall be theſe: A Regulation of *Weſtminſter-Hall*: A Proviſion againſt buying or ſelling of Offices: A Regiſter of *Eſtates*: A Freedom from *Perſecution* (by a Bill for *Comprehenſion* and *Indulgence*) in the buſineſs of Religion: A Redemption of the *Chimny Mony*, which bringing the King to be Lord of every Man's Houſe, is againſt *Property*; and an *over-Ballance* in the *Revenue*, is againſt the *Intereſt* of the *Nation*.

THE Breviate bing ended, we cannot but reflect upon the King; there being ſo much Concern in the Minds of many, about their *Allegiance* to Him, though He be gone: But ſuch Perſons as theſe ſhou'd look a little more to the Bottom, That a People is not made for the King, but the King for the Peole: And though He be greater than them in ſome Reſpects; yet, *quoad finem*, the People are always greater than Him: That is, If the Good of the *one*, and the *other*, ſtand in Competition, there is no Compariſon, but a Nation is to be preferr'd before one Man. (As appears by the Opinion of King *James* the Firſt, hereto annexed.) If the Being of them be inconſiſtent one with another, there is no doubt, but it is better that a King ceaſe, than that a *whole Nation ſhould periſh*. And upon ſuch a Suppoſition as this, all Obligation as to Duty muſt ceaſe likewiſe. There are ſome tacit Conditions in all Oaths, as the beſt *Caſuiſts* tell us (ſuch as *Rebus ſic ſtantibus*, for one) that we muſt ſteer our *Conſciences* by in theſe Caſes; *He is the Miniſter of God for our Good*, ſays the Scripture: And if any

Prince therefore be under thoſe Circumſtances, as that it cannot be for the Peoples Good that he ſhould rule over them; we do look upon ſuch a Ruler to be bound in Conſcience to give up his Government, as being no *Miniſter of God* upon that Account: And ſo, having no Authority from God for that *Office*, the Peoples Obligation to be ſubject to Him, is at an end with it. If they obey him longer, it is for *Wrath*, not for *Conſcience ſake*. If his Majeſty now of *Great Britain*, out of ſome deep Senſe, that he, being a *Roman Catholick*, cannot rule, and be true to his *Religion*, (which he may ſuppoſe does oblige him to an Eſtabliſhment thereof by all the ways and means of his Church, though never ſo deſtructive to ours (but it will be to the Hurt, not Good of us who are *Proteſtants*) hath been pleaſed to withdraw himſelf from his Government, to make us more quiet and happy; We are in all Gratitude to acknowledg his *Piety*, *Goodneſs*, and *Condeſcention* to be ſo much, as very few of his Subjects could ever have ſuſpected: But if it be out of another Mind he hath done it, We have ſtill more Reaſon to bleſs *Almighty God*, who does often ſerve his *Providence* by Mens *Improvidence*; and cutting off Mens Ends from their Means, he uſes their Means to his own Ends, when he is pleaſed to work *Deliverance* for a People; as he hath at this Seaſon, ſo graciouſly and wonderfully done for Us, that there is nothing more needful, even to the moſt ſcrupulous Conſcience, than an humble and awful Acquieſcence in the *Divine Counſel*, to give Satisfaction in this Matter.